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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,233	06/17/2005	Carmen Grande	4069-045138	1780

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EXAMINER

WILLIAMS, MARK A

ART UNIT PAPER NUMBER

3676

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/507,233	<b>Applicant(s)</b> GRANDE, CARMEN	
	<b>Examiner</b> Mark A. Williams	<b>Art Unit</b> 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whaley, US Patent 4,648,151, in view of Hamilton, US Patent 5,016,930.

See the below figure. Whaley provides a door piston to doorjamb interface apparatus comprising an elongated plate 40 having a plurality of holes 50 formed therein; and a bracket 18 including a base and transverse support member affixed to the base, the base including a set of holes configured in the same pattern as a subset of the plurality of threaded holes of the plate whereupon, when the set of holes and the subset of threaded holes are aligned, a threaded bolt inserted through each of the set of holes thereby securing the base to the plate, wherein the support member defines a pin receiving hole 22 that is spaced from the base and which is configured to receive a pin there through for pivotally securing a connecting rod 20 or a housing of a door piston to the support member. The subsets are positioned

intermediate the ends of the plate. Each hole is also configured to pass a threaded wood screw there through in non-threading relationship therewith, and when the plate is positioned against a door jamb, at least one hole can have a wood screw passed in non-threading relationship there through where after said wood screw can be screwed into the door jamb thereby securing the plate to the door jamb (see figure 2 at element 36). The support member defines a gap having a pair of aligned pin receiving holes on opposite sides thereof; the end of the connecting rod or the housing defines a hole configured to be aligned with the pair of pin receiving holes when said end is received in the gap (as conventional in the art); and the pin is configured to be received through the pin receiving holes and the hole in the end of the connecting rod or the housing when said end is received in the gap. The plate has a rectangular shape.

Whaley provides the claimed invention except teaching the plurality of holes being threaded, and a threaded bolt inserted through each of the set of holes can threadedly mate with the subset of threaded holes thereby securing the base to the plate, as claimed. However, it is very old and well known in the art of connectors to use such threaded holes to firmly join two threaded members together with ease of assembly. Hamilton provides threaded holes receiving screw means. It would have been obvious at the time the invention was made for one skilled in the art to

have included in the design of Whaley such a modification, as generally taught by Hamilton, for the purpose of providing known means for firmly join two threaded members together with ease of assembly.

The claimed method is obvious to the design of the combination.

Regarding claims 6, 12, 15, and 19, with respect to the plurality of threaded holes including three subsets, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device in this way, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. One reason one skilled in the art may have elected to make such a modification may be for added reinforcement during mounting, by allowing for more screws/bolts to be used to secure the bracket to the plate and the jamb. Another reason for making such a modification may be to allow the device to be adjustable.

Regarding claims 7, it would have been obvious to have the bolts have a machine screw thread so that they would better engage the metal plate, as conventional in the art.

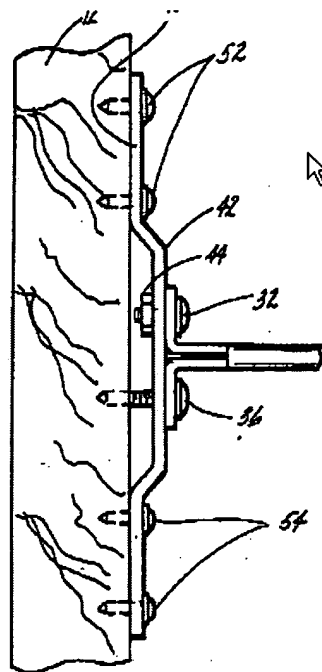


fig 2

Fig. 1

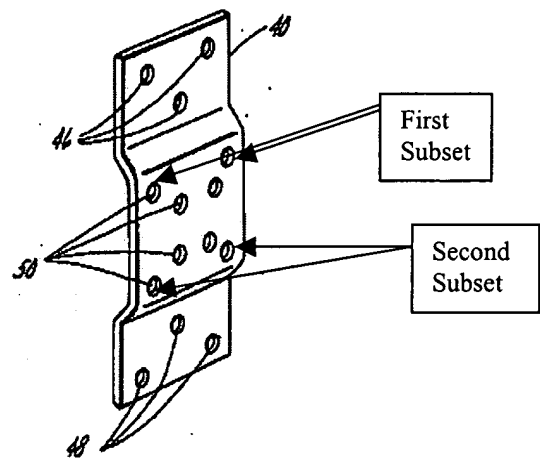


fig. 3

### *Response to Arguments*

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Applicant should note in view of the above figures, that the examiner is now viewing the plurality of holes of Whaley to be the holes 50, and at least two subsets are shown. As seen in figure 2, and as provided in Whaley's disclosure, bolts 32 and 34 secure the support to the plate, and screws 36 and 38 at least partially

secure the support and the plate to the jamb. This arrangement meets the claimed limitations.


After further consideration, the allowability of the method claims has been withdrawn.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Williams whose telephone number is (571) 272-7064. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Williams  
3/15/06 



**BRIAN E. GLESSNER**  
**SUPERVISORY PATENT EXAMINER**